

OFFICE OF WORKFORCE PLANNING (OWP)

Layoff Resources for Peace Officer Classifications

Wave 4 Frequently Asked Questions and Overview

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SENIORITY INFORMATION

Seniority Calculations

Seniority calculations form the basis for all processes involved with staffing reductions, including up-front mitigation, the Statewide Bid Process (SWB), the placement process, layoff, and reemployment.

Why do I have two scores – a BU06 score and a Total State service and seniority score?

Seniority is based on time served in R06, classifications identified as S06, and in Correctional Officer classes as defined by Section 830.5 of the Penal Code, regardless of when such service occurred. Each employee's personal history determines how much his or her total State service and seniority and BU06 seniority will differ if at all. Total State service and seniority can differ from BU06 seniority for a number of reasons, such as:

- Supervisors are credited with all state service, regardless of whether it was earned in a BU06 position or not.
- Individuals who have other qualifying experience (such as Exempt or Military) can be credited for it in their Total State Service seniority.
- Intermittent time is calculated differently for BU06 employees after 4/1/99. Prior to that date, seniority point credit was based upon working 160 hours/pay period; after that date, 88 hours per pay period constitutes credit for a month. The hours in excess of 88 hours in a monthly pay period shall not be counted or accumulated.

R06 contract provision: (Correctional Officer, Youth Correctional Officer, Correctional Counselor I, Parole Agent I, etc.)

- Service in BU06 Classifications
- Service in classes defined by P.C. Section 830.5
- Qualifying Military Service

Note that this applies only to BU06 employees who are currently rank and file

What is used to calculate seniority scores, and how are military credits calculated in seniority points?

CDCR refers to the Department of Human Resources (CalHR), formerly known as the Department of Personnel Administration (DPA), for rules and bargaining unit contract language for calculating seniority.

For the purpose of calculating official seniority scores for layoff purposes, an employee is given credit for each month of full-time State service (must have worked 11 days in a pay

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period). For less than full-time employees assigned to Bargaining Unit 6, the Memorandum of Understanding (MOU) specifies seniority credit computation. Also, if information is provided and approved, the BU06 seniority score will reflect points for qualifying prior military service.

- **Military points:** The criteria for the awarding of military points are defined by DPA Layoff Manual Section 400. Certain campaigns and expeditionary missions qualify for State service credit, provided that other criteria are also met. A maximum of 12 seniority points are awarded to employees who qualify. Please note that qualifying military service is used only for layoff or placement purposes.
<http://www.cdcr.ca.gov/layoffresources/docs/Military-Service-Information.pdf>
- **Limited-term credits:** For the purpose of calculating seniority scores, employees in a limited-term appointment:
 - Without prior permanent status, receive no seniority points for their months of service. However, if an employee is appointed to a permanent full-time position subsequent to the initial limited-term appointment with no break in service, the employee is given credit for the time worked as limited-term as long as the employee qualified for a seniority point based on the criteria as outlined above. Limited Term employees receive credit for qualifying military service upon attaining permanent status.
 - With prior permanent status, continue to receive state seniority points for their months of service.
- **Permanent Intermittent credits:** For BU06: Effective April 1, 1999, intermittent employees shall be awarded one seniority point for each qualifying monthly pay period of state service. A pay period in which an intermittent employee works 88 or more hours will be considered a qualifying pay period for the purpose of accruing seniority. Any pay period in which an intermittent employee works less than the required hours will be considered a non-qualifying pay period; and such hours shall not be counted or accumulated.

Note: BU06 intermittent hours worked prior to April 1, 1999; accrue at the rate of one seniority point for every 160 hours for BU06 employees.

Does my time served in an exempt classification count?

Time served in an exempt classification does not count toward your BU06 seniority. However, it may count toward your total State service and seniority score.

Certain verified positions working for the Legislature, judicial branch, state universities and colleges and the University of California may qualify for exempt credit. All work experience must be recognized and verified by the exempt institution for which the employee worked before seniority scores can be modified. CDCR does not decide which kind of work qualifies. The determination of whether the position qualified and the number of points that should be awarded is made by the exempt institution, which provides this information to the Office of Workforce Planning. CalHR, under DPA Rule 599.841, says

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only exempt service that can be *fully verified* from *official records* can count toward your total State service or seniority score.

What specifically constitutes qualifying exempt service?

- An exempt employee working under the Executive Branch of California government.
- An officer or employee of the Legislature, either house, or a legislative committee. "Officer or employee," signifies any *permanent* employee of the California Legislature.
- An officer or employee of a council, commission, or public corporation in the Judicial Branch of California government.
- An employee of a court of record or another officer employed directly by the Judicial Branch of California government.
- An officer or employee of the University of California (UC) or California State University (CSU). The designation "officer or employee," refers to anyone employed directly by either UC or CSU, with the following exceptions: UC student employees who work less than one-half time are not included, nor are CSU student employees (regardless of time base). Also, CalHR does not count CSU employees who were "special pay" appointments.
- A teacher or member of the teaching staff in a school under the jurisdiction of the Department of Education or the Superintendent of Public Instruction (in other words, you were employed by one of California's six State Special Schools).
- A member of the National Guard engaged in military service while employed by the California Department of the Military.
- An officer or employee of a District Agricultural Association, if employed less than six months in a calendar year.

How will the preliminary seniority list by county be made available to all staff prior to the layoffs?

Preliminary and Final Scores are posted 30-60 days prior to layoff on the Intranet and various locations within your institution, facility and/or program (i.e.: Personnel Office, Main Entrance, Sally Ports, etc).

What if my score is tied with someone else who is impacted?

In the event you share the same seniority score with another individual in your classification and area of layoff, a tie breaker is utilized in accordance with the BU06 MOU. Links to MOUs can be found at <http://www.calhr.ca.gov/state-hr->

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professionals/Pages/bargaining-contracts.aspx. Bargaining Unit Contracts can be found at <http://layoffs.insidecdcr.ca.gov/labor-agreements/>. The CalHR (DPA) Layoff Manual can be found at <http://www.calhr.ca.gov/state-hr-professionals/Pages/layoff-manual.aspx>.

For R06 employees, the tie breakers are used in the following order as outlined in the BU06 MOU, Section 12.01(5):

- 1) Employee's initial hire date to a BU06 classification
- 2) If tie still exists the employee whose Social Security number has:
 - a. Lowest last four digits
 - b. Lowest middle two digits
 - c. Lowest first three digits

Example of lowest # having most seniority

Gonzalez	1131	Most senior
Davis	2713	
Jones	3791	
Smith	9732	Least senior

What is the seniority score needed to avoid layoff?

Until the reductions and their effects are known, there is no specific number of years or seniority score that can be identified to determine if an individual will ultimately be impacted. The specific methodology for determining the reductions is unique to each layoff plan.

Discrepancies

What do I do if I notice a discrepancy with my BU 6 or total State service and seniority score?

BU 6 employees were afforded two separate opportunities to dispute their BU 6 or total State service and seniority scores. However, for subsequent layoff waves, if a BU 6 employee wants to disputes their BU 6 or total State service time, the BU 6 employee must contact their union for resolution.

MOVEMENT OUTSIDE OF THE LAYOFF PROCESS

Mitigation

What is Mitigation?

Mitigation is a process that OWP uses in the beginning of each Wave to reduce or eliminate the impact of staffing reductions on impacted classifications within the area of layoff. OWP identifies classifications subject to layoff by location, the vacancies within a 50-mile radius and redirects staff into the vacancies to alleviate the impact on a specific classification within a specific county. If there are sufficient vacancies in the impacted classification, this may preclude the need for or reduce the magnitude of the layoff.

If I am redirected prior to the layoff process, can I still participate in the Statewide Bid (SWB) later?

Yes, if your classification becomes subject to the SWB in your new location and there are vacancies for your classification within CDCR, you will be afforded the opportunity to participate in the SWB.

Can I be transferred outside of my current county?

Yes. Based on the current vacancies and current work location, employees may be transferred up to 50 miles. This could result in a transfer to a different county.

Statewide Bid Process (SWB)

What is the SWB?

CDCR will provide employees in peace officer classifications who are in overage classifications (overstaffed in their classification at their location) and facing layoff with an opportunity to participate in the SWB and bid for identified vacancies within their current classifications statewide, thereby taking action they believe may benefit them. This is in accordance with the Realignment Side Letter Agreement between CDCR and CCPOA.

Employees are provided with information about projected reductions and current identified vacancies by location and classification, and other information, such as seniority scores, to help them make their determination as to whether to participate in the SWB and in choosing options. The reduction and vacancy information is posted on the OWP website (Over/Under Report). Each employee may choose whether to participate. However, if an employee elects to participate and is awarded a position, the employee is required to report. **The employee's election to participate is binding and non-revocable.**

Please view your Bargaining Unit's Side Letter Agreement for specific information about the SWB: <http://layoffs.insidecdcr.ca.gov/labor-agreements/>.

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Isn't the SWB just another name for the layoff process?

No, they are separate and distinct processes. The SWB occurs OUTSIDE the layoff process and is the result of a Side Letter Agreement with CCPOA. The SWB allows an employee in an impacted classification the ability to bid to move into what the employee determines is a more secure position. The layoff process is dictated by Department of Human Resources (CalHR), formerly known as the Department of Personnel Administration (DPA), rules. The SWB and layoff process operate under different rules and timeframes for employee responses. Some major differences between the two are:

- For Wave 4, Correctional Counselors I and II (Specialist), and Parole Agents I and II (Specialist) can elect to transfer through the SWB process into an identified vacancy in their current classification or into a Correctional Officer vacancy. S06 and M06 employees can elect to transfer through the SWB into an identified vacancy in their current classification. Alternatively, during the layoff process, primary and personal demotional patterns are considered.
- The SWB offers vacancies statewide; the layoff process offers only in-county options.
- There is no bumping in the SWB; the layoff process provides for bumping within the county when seniority allows, if there are no vacancies remaining in the classification in the specified county.

Please remember that the SWB and the layoff process are separate and distinct and require you to respond to each separately.

What are the SWB parameters, and who is eligible to participate?

In general, all BU06, S06 and M06 employees whose current classification(s) are overstaffed at their locations may be eligible to participate. Eligible employees will be offered an opportunity to bid for a voluntary transfer to an available vacancy in another location, based on seniority. The SWB Process Selection worksheet sent to employees eligible to participate will provide a list of vacancies statewide for which they can bid.

(See <http://layoffs.insidecdcr.ca.gov/resources/> for transfer opportunities and <http://layoffs.insidecdcr.ca.gov/labor-agreements/> for Labor Agreements).

I know that overages are determined by location. For DAPO employees, what does that mean?

For DAPO employees, overages are determined by overages in the county.

Since the SWB is voluntary, must I send back the form even if I'm not interested?

Yes. We encourage all employees to return their SWB worksheet. You must "opt in or out" on the SWB Selection worksheet. If you choose to "opt in," you must indicate your

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interest in available vacancies and rank your selections in order of preference on the worksheet. Please note, if you **do not** submit your worksheet by the due date, it will be considered as “opting out” of the SWB process.

How do I go about participating in the SWB?

Employees eligible to participate in the SWB will receive a worksheet that includes any options they may have for transfer. The SWB is purely voluntary, but if an individual participates and is awarded a transfer, the transfer is binding and irrevocable.

Last time, I opted out of the SWB, but I went through the options and ranked the vacancies in case OWP needed that information later in the layoff process. What happens in Wave 4 if I select to opt out, but rank the vacancies?

In Wave 4, if an employee chooses to **opt out** of the SWB, he or she **must not** choose or rank any of the vacancies provided. If you check the “opt out” box and then you complete the additional pages, ranking your preferences, you will not be considered as opting out, and may be awarded a SWB location based on your choices and your seniority.

What if I complete a SWB and am awarded a CO position, but I cannot attend the assigned Academy date due to medical leave?

Per the BU 6 side letter agreement, if the employee does not report on the report date, regardless of reason, he/she will continue in the layoff process and could be laid off at the conclusion of Wave 4, depending upon seniority.

As a Parole Agent who has never been a CO, can I still be awarded a CO position through the SWB?

Yes, provided your seniority allows it. You will be required to attend a transitional academy.

Does participation in the SWB remove me from the layoff process later during the wave?

Not necessarily since the SWB and Layoff process are separate and distinct. Depending upon demotional bumping and one’s statewide seniority within an impacted county, an employee with low seniority who is awarded a new position in a different county during the SWB could still be laid off at the conclusion of the layoff process and/or permanently involuntarily transferred within an impacted county. **There are no guarantees in this process.**

Transfers

Can I transfer more than once in the hiring process?

Yes, transfers are unlimited as long as all other laws and rules allow the transfer.

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The new class must be substantially the same in duties, responsibilities, and salary (not to exceed +9.9%) from the highest permanent or probationary appointment you received through the examination or equivalent process. However, the transfer must be to a different class series:

- Duties/Responsibilities = entry level to entry level **or** journey level to journey level, **or** supervisory level to supervisory level, etc.
- Salary = we use the employee's maximum salary rate of his or her status (permanent or probationary) class and multiply it by 5% (round) and multiply the rounded rate by 5% (round) and subtract a dollar to arrive at the maximum salary to which an employee can transfer.

Please check with your Institutional Personnel Officer or the Office of Personnel Services if you have any additional questions.

Can an employee in an R06 position transfer to a S06 position?

No, not by transfer, because the move involves journey level to supervisory level in duties and responsibilities, and in some cases the salary is +10% or more between the two classes. State Personnel Board Rule 430 states all transfers must be to a class that has substantially the same salary, level of duties, and responsibilities.

An employee can reinstate to a class in which he or she previously held permanent or probationary status in unless the employee was rejected on probation or punitively demoted from that class in the past. In this case, the employee would have to be rehired to the classification through the examination process.

Per Diem

Who is eligible for Per Diem?

A CDCR employee working in a county with any overages in that employee's designated classification that transfers voluntarily through the SWB process to a position more than 50 miles from his or her current institution/work location is eligible to receive one per diem award (split into two payments). For additional information, excluded employees may refer to Pay Differential 395. Employees also can refer to their Realignment Side Letter Agreement, both of these can be found at <http://layoffs.insidecdcr.ca.gov/labor-agreements/>.

How much will my Per Diem payment be?

Per Diem payments will be based on your current Bargaining Unit and your awarded location.

How is the Per Diem taxed?

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Per Diem for the SWB is taxed at a 25 percent tax rate.

Who should I contact regarding my Per Diem payment?

Contact your Personnel Office.

What happens when an employee receives Per Diem and transfers to another agency before his or her reporting date?

Employees and personnel staff are required to notify their awarded institution or facility and Office of Personnel Services if their status changes prior to the assigned reporting date to their awarded institution.

For Wave 4, staff will be paid one-half of the Per Diem prior to transferring to their new location, and the other half will be paid during their first week of physically reporting (not using leave credits) at their new location. If an employee fails to meet these requirements of receiving Per Diem, he/she will be required to return immediately any Per Diem that has been paid.

How many times can I receive Per Diem per Wave?

An employee can receive a maximum of one Per Diem award per Wave.

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LAYOFF

Based on an employee's classification, work location, and seniority score, an individual may be subject to layoff during times of workforce reductions. This process ensures all employees who may be affected by the layoff are afforded the maximum opportunity to retain State employment by redirection, the Statewide Bid Process (SWB), or as part of the State Restriction of Appointments (SROA) and placement processes.

General

Will the layoffs be conducted by region?

No, they will be conducted by county.

If laid off, are employees eligible to collect unemployment, and if so, for how long?

The Employment Development Department determines eligibility for unemployment benefits. Contact information can be accessed at their web site, <http://www.edd.ca.gov/>

State Restriction of Appointment (SROA)

After Department of Human Resources (CalHR), formerly known as Department of Personnel Administration (DPA), approves the layoff plan, CDCR will move forward with the issuance of the SROA/Surplus notices to individuals identified as being impacted, based on their area of layoff, classification, and seniority score. All potentially impacted employees will be mailed an SROA/Surplus notification informing them that they are impacted under a departmental layoff plan and that they are being placed on SROA for a minimum of 120 days.

The approach taken in identifying impacted staff may vary for each plan for reasons including the numbers of impacted staff and the size of the downsizing organization. Generally, for each class designated as surplus, three employees per at-risk position will be placed on SROA and surplus status, but the ratio can be greater. *Exceptions* to the ratio method may be made with CalHR approval. The calculation of total State service and seniority scores is used for ensuring the appropriate number of lower-seniority employees receive SROA/Surplus status.

What is the SROA program?

The SROA Program was developed to assist surplus employees in finding jobs with other State agencies and to help State service by making experienced employees available to other agencies with vacant positions. SROA notices will be issued to all potentially impacted employees.

Placement on SROA is limited by CalHR, DPA Rule 599.854.1, to those employees who may actually be subject to layoff or demotion in lieu of layoff. SROA eligibility is granted for a minimum of 120 calendar days.

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How does SROA work?

An employee is normally placed on the SROA list for the class in which he/she is impacted. Typically, up to three employees per position being abolished are approved for SROA. They are generally the three least-senior permanent employees in the class. Appointments to classes on these lists are restricted (e.g., new hires, voluntary demotions, permissive reinstatements, and training and development assignments). Hiring programs can opt out of a certification list to make an appointment. However, if a certification list is used, the SROA list of surplus employees must be used and cleared before an appointing power may use other means of filling a vacant position for the restricted class.

What is the difference between SROA and Surplus Status?

Once CDCR determines which individuals are impacted by any given layoff plan, the CalHR designates that classification as Surplus within an area of layoff. Classifications are designated as Surplus when a department has more employees in that classification and area of layoff than it has vacancies. Surplus designation is the first step in obtaining SROA status for affected employees.

At the same time that a *classification* is designed as Surplus, the impacted individuals in that classification receive an SROA designation. The SROA process provides an alternative to layoff as it restricts the methods of appointment available to appointing powers to give employees in jeopardy of layoff an opportunity to retain State employment.

What benefit do I receive by being on SROA/Surplus status?

SROA status gives employees hiring preference. If you are placed on SROA/Surplus status, you are encouraged to apply for any position for which you meet the minimum qualifications, experience, and have transfer eligibility.

What should I do now that I have received my SROA notice?

It is **imperative** that you maintain a copy of your SROA notice as you may be asked to produce a copy of it by some hiring agencies (you may even opt to include it your state application package). Due to the number of SROA notices mailed out by the Department, OWP will not supply replacement copies.

Apply for jobs for which you feel qualified. You may utilize the Vacancy Search page on the CalHR website (<http://www.jobs.ca.gov/>) to help find vacancies. Although you will receive some job interest notices from hiring agencies, do not rely solely on those notices. It's always best to do your own job search, in addition to responding to contacts you may receive from other sources.

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To ensure you receive job inquiries, it is critical that you keep your address of record up to date. If your address and/or phone number are not correct, submit an Employee Action Request to your Personnel Office right away.

I am working in a classification that is used only by the Department of Corrections and Rehabilitation. Therefore, what benefit is there to be on SROA/Surplus status?

Employees who are in classifications that are considered Department Specific may use their SROA status to apply for position to which they can lateral transfer under the SPB Transfer Rules.

If I receive a contact letter as the result of my SROA status, do I need to respond to the hiring authority?

If you are not interested in a job, you are no longer required to return a contact letter. Employees on a SROA list have unlimited waivers.

If I have SROA/Surplus will I have to use my own time for interviews?

No. SROA employees should be given “reasonable time off” to go on interviews. Refer to the appropriate Memorandum of Understanding for represented employees. Non-represented employees can refer to Government Code 19991, which allows employees on employment lists to participate in employment interviews during working hours.

I have submitted my SROA notice and application for an opening at another department. Are they required to interview or hire me?

No, the hiring authority is not required to interview you or hire you. There are exemptions to the SROA hiring policy as outlined in the SROA Manual, which is found at <http://www.calhr.ca.gov/employees/Pages/state-restriction-of-appointments.aspx>.

Why did I receive an SROA/Surplus letter when the person I work with has less seniority than I, and he/she did not receive a letter?

Each individual’s employment history is used to calculate seniority, and there are numerous factors that are taken into consideration when calculating seniority scores. For example, an individual may have qualifying military points and/or exempt time that has been applied to his or her seniority score.

Placement

Since layoffs are being conducted by county, can a person in one county lose his job while a person with lower seniority in another county keeps his or hers?

Given that layoffs are based on the classification and seniority within the area of layoff, it is possible that some employees with lower seniority scores may remain employed in areas outside of the area of layoff.

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However, in accordance with the Realignment Side Letter Agreements between CDCR and the various Labor Organizations, CDCR will provide employees in classifications facing layoff with an opportunity to voluntarily transfer into vacancies within their current classification statewide. The Statewide Bid Process (SWB) is in addition to the layoff process and is not a part of it.

What options do employees get on their layoff Options Worksheet?

Vacancies are offered in any classification in your personal and/or primary demotional pattern in which you served in a permanent or probationary status.

- **Primary Demotional Pattern:** Includes classifications that are in a specific classification's demotional pattern. This is typically within the series of the impacted classification. For example, a Staff Services Manager III can demote to a Staff Services Manager II, then demote to a Staff Services Manager I, etc. This is the classification in which you held your most recent permanent appointment. The only circumstance where this classification would differ from the classification you are currently serving in is when you are currently serving in a temporary capacity, i.e. Limited Term, Training and Development assignment, or an acting assignment.
- **A Personal Demotional Pattern:** Includes classifications which an individual has held on a permanent basis in State service and that are currently utilized by CDCR. This will exclude classifications that are specific to another State agency.

Bumping options are available only within your county (the area of layoff).

- For individuals with current or prior permanent status: Your Option Packet will identify all available placement options specific to your employment history. This includes permanent vacancies, as well as *permanent positions* filled by limited-term, training and development assignments or Retired Annuitants as these are also considered vacancies for the purpose of placement. You also will be provided the opportunity to bump within the area of layoff provided there are no vacancies for your impacted classification **AND** your seniority allows you to do so. You will not have the ability to elect the position into which you will bump, as it is based on seniority and you will be awarded the position held by the least-senior staff in the classification within the area of layoff.
- If you have prior permanent State civil service status but are currently serving in a limited-term appointment: If you are impacted, it will be in your permanent right-of-return position/classification/county providing there was no break in service. For example, you currently work in Sacramento County in a limited-term Correctional Counselor II (Specialist) position with a right of return to a permanent full-time Correctional Counselor I position in San Joaquin County. If you are impacted on a plan, you will be impacted in the Correctional Counselor I position in San Joaquin County, as this is your permanent right-of-return position.

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- For individuals with no current or prior permanent status: For individuals who are currently in limited-term positions with no right-of-return position within CDCR, your limited-term appointment will be terminated in the event the position is needed for placement, and you will return to your previous State department. For individuals with no prior permanent status to a State agency, your limited-term appointment will be terminated and your employment with CDCR will conclude.

How long is the layoff process?

The layoff process is 120 days.

Will vacancies in the prisons, with the Receiver or other State agencies be offered to staff?

CDCR does not have the ability to offer vacancies within other State agencies, including the California Correctional Health Care Services (CCHCS). Any vacancy under CCHCS' (Receiver) authority will not be offered on the Options Worksheet for CDCR employees.

Note: An impacted employee can utilize SROA/surplus status to apply for vacancies in other State departments and agencies either in his or her current classification or those for which he or she meets the minimum qualifications.

Will staff be offered comparable positions (i.e., PA II offered a CC II position?)

Comparable positions will not be offered through the placement process. An impacted employee can use his or her SROA/surplus status to apply for vacancies within CDCR and in other State departments in his or her current classification or for those for which he or she meets the minimum qualifications.

Can a Parole Agent who is currently mobilized on military orders lose his or her job? If so, what options does he or she have?

An employee on military assignment remains part of the layoff process and, as such, receives all notices and correspondences that other impacted employees receive. Those notices are sent to the address of record. Dependent upon the seniority score, it is possible that an impacted employee on military assignment could be laid off. However, please note that, as stated previously, employees receive information about options they may have for other placement as the layoff process progresses. If you are away from home, it may be beneficial to have a system in place so that mail from CDCR is identified quickly and its contents made known to you. You can e-mail OWP Customer Service Unit with questions: CDCROWPHelpDesk@CDCR.ca.gov.

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Will Parole Agents have to attend a correctional officer academy if placed as a Correctional Officer?

Yes. They will be required to attend a transitional academy at the Richard A. McGee Correctional Training Center in Galt prior to assuming their duties as an officer. Detailed information regarding the academy will be provided at a future date.

When will I know for certain that I will be laid off or placed?

Impacted employees will receive official notice at least 30 days prior to their layoff date or their report date, whichever is applicable.

What if I don't return my Options Worksheet? Could I be demoted, redirected, or laid off?

Previously, BU6 employees who did not return their Options Worksheets during the placement process forfeit any choice they otherwise would have had concerning their placement. OWP will facilitate placement in accordance the employee's Bargaining Unit agreement. All placements are binding. If placement is not possible, the employee may be laid off.

I demoted during a prior layoff. Why aren't vacancies in my old classification offered to me on my options worksheet?

Due to laws and regulations regarding transfers between classifications, an employee cannot be placed into a classification for which they have reemployment rights. However, if there are vacancies in the classification in question, employees may apply for the position as a re-employment candidate.

I used to be a manager but demoted. Why aren't manager vacancies showing up for me on my Options Worksheet?

Employees can have options to classifications in which they have held previous permanent or probationary status on their options worksheet if the classification is within transfer range of their impacted classification. Transfer rules are outlined by the State Personnel Board and require that the position be within 9.9 percent of the maximum salary for the current classification in which the individual is impacted. If the movement would meet the necessary transfer rules, an employee may have rights to it during the layoff process.

Bumping

When completing the Options Worksheet, you also will be given the opportunity to select bumping within the area of layoff as one of your options, if appropriate to your history. **Bumping can occur only within your area of layoff, if there are no vacancies available in the classification after all placements have been made and if your seniority allows.** If you choose bumping and decline available vacancies within that

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classification/time base and at the time your Options Worksheet is processed, the identified vacancies remain, you cannot bump and may be placed into an available vacancy. The only classifications into which you can elect to bump are your impacted classification and classifications identified in your primary or personal demotional pattern. If you are interested in bumping, please complete the boxes identified for bumping by priority. You will be given the opportunity to select whether you want to bump into full-time or part-time positions and to prioritize accordingly. You do not get to select a specific position into which you bump. Instead, you are electing to bump the least-senior impacted employee in that classification within the area of layoff in accordance with your selection. This option will be utilized only if your seniority will allow it and if there are no vacancies available in the classification and area of layoff at the time of your placement.

Please explain why staff have bumping rights only within a county.

Rules dictating layoffs are established by the Department of Human Resources, formerly known as Department of Personnel Administration (DPA). These rules require that layoffs are based on classification and seniority within the area of layoff, with bumping allowed only *within* that area of layoff and only when no vacancies exist in the subject classification. Since the area of layoff is a county, bumping is allowed only within the county. You can find the DPA rules at <http://www.cdcr.ca.gov/layoffresources/docs/DPA-Layoff-Manual.pdf>

Can a person be bumped from a permanent appointment?

Yes. An employee with higher seniority may bump an employee with lower seniority if no vacancies exist in the area of layoff and the individual with higher seniority is currently in the classification or the classification is in the employee's personal or primary demotional pattern.

Benefits

What will happen to my benefits if I choose to change my time base from permanent full-time to permanent intermittent?

Permanent full-time employees who change their time base to become Permanent Intermittent Correctional Officer (PICO) may re-enroll in health, dental, or FlexElect (Cash Option, Dependent Care, or Medical Reimbursement) upon their PICO appointment. However, employees and their dependents enrolled in health or dental benefits prior to the time-base change will be eligible to continue their benefits for up to 18 months through Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage.

Employees enrolled in FlexElect prior to their time-base change will be required to cancel their FlexElect at the time of their PICO appointment. They also are not eligible to participate in a FlexElect Medical and/or Dependent Care Reimbursement Account. Permanent full-time employees considering this type of move should contact their local personnel office to discuss the impact to their benefit options.

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What will happen to my benefits if I am laid off?

Employees who are laid off lose eligibility for their current health, dental, and vision coverage the first of the month following the layoff date. For example, since benefits are paid a month in advance, most employees laid off effective January 10, 2014, would lose benefits effective March 1, 2014. However, employees and their dependents currently enrolled in health, dental, or vision benefits prior to layoff will be eligible to continue their benefits for up to 18 months through COBRA coverage.

Employees should contact their local personnel office or benefits specialist to discuss the impact to their benefit options.

Leave Usage Prior to Layoff

If an employee receives an SROA letter and accepts and begins employment outside of State service as a result of the SROA status, will he/she be paid for accrued Furlough Holiday (FH), and Personal Leave Program (PLP) hours?

Yes. Per DPA rules, anytime the employee is **NOT** able to use FH or PLP, hours, CDCR has authority to pay unused FH and PLP. (Per CalHR, ONLY BU06 employees can be paid out for Personal Development Days.) Please note that Hiring Authorities should continue to allow the employees to use FH, PLP, when permissible.

Can a supervisor force impacted employees to use the remainder of their FH, PDD, and PLP days in anticipation of being laid off?

Impacted employees will not know for sure if they are being laid off until 30 days prior. Once they have received official notice, supervisors will have to work with the employees to use their time during the last 30 days.

Reemployment

What is reemployment?

Reemployment is a program designed to give employees preferential-hire status back into the classification from which they were laid off or demoted.

An employee who is laid off, elects to demote in lieu of lay off, or has a change in time base as a result of placement during a Wave, may be placed on the appropriate reemployment lists for the classification from which the employee was affected. In addition, appropriate reemployment list eligibility may be provided for all classes through which the employee was given demotional rights during layoff, if applicable. Employees appear in seniority order on all reemployment lists.

Employees will remain on the reemployment list for five (5) years or until hired into a permanent position from the reemployment certification list. An employee's name stays on the reemployment list until rehired into a permanent full-time position in the eligible

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classification or until requesting in writing that his or her name be removed from the reemployment list.

How long is reemployment eligibility?

Reemployment eligibility is good for a maximum of five (5) years or until the eligible employee receives a permanent full-time list appointment to the classification they were laid off from or demoted through, whichever comes first.

Are there exceptions to Reemployment?

If a certification list is being used to make a hire, there are no exceptions to re-employment. However, hiring programs have the option not to use a certification list to make a hire. If the choice is made not to use a certification list (e.g., same classification lateral transfer, reinstatement, etc.) then reemployment does not need to be cleared.

Prior to the layoff date, I used my SROA status to secure employment before I was laid off. Do I still get reemployment?

Although employees who receive an SROA notice are encouraged to apply for positions for which they are qualified, securing employment prior to demotion, redirection, or lay off removes the employee from the process; thereby making them ineligible to receive re-employment.

What is the difference between Departmental Re-employment and General Re-employment?

Departmental Re-employment represents CDCR employees impacted by placement and/or layoff. This type of list takes precedence over all other lists. The first interested individual on the list must be selected (Rule of One Name). This means, if the hiring organization is using a promotional list to make a hire, the hiring program cannot move to the next name or any other list until the interested eligible is hired or the person waives (i.e., is not interested in the position).

General Re-employment represents non-CDCR employees who have been impacted by placement and/or layoff. The three highest names on the list shall be certified for employment (Rule of Three Names). If those on the list of interested eligible names are all on General Re-employment, the hiring program may choose anyone of the three. If there are two interested names on a General Re-employment list, a hiring program can move down to the next rank on their list to make a hire.

Are all classifications impacted by reemployment?

No. An updated listing of CDCR Departmental Re-employment classifications can be found on the Intranet, <http://layoffs.insidecdcr.ca.gov/resources/>. Unfortunately, there is not a listing that captures all General Re-employment (other State departments) classifications impacted.

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Will an employee on the reemployment list have rehire opportunities only in their region or statewide?

Initially, an employee is put on a reemployment list with a location code of the county where they were laid off, but a statewide location code may be chosen later.

A department is trying to contact re-employment eligible employees by telephone. How long must prospective employees be given to respond?

Although this method of contacting re-employment eligible employees is not recommended, departments must allow two (2) full work days following the date of contact. If the re-employment eligible employees do not respond, departments must document that using a CDC1237 "Waiver" form. For HQ and DAPO programs to obtain approval to use the phone contact process for re-employment eligible employees, they must obtain the approval of the Chief of the Office Workforce Planning.

Does Reemployment have to be cleared before an organization can place an employee on an out-of-class assignment?

Out-of-class assignments should be utilized only while organizations are attempting to fill a position through the normal hiring process. The hiring organization does not have to clear reemployment for an out-class-assignment; however, it will have to clear reemployment later when making a permanent full-time or limited-term hire if a certification listing has been ordered.

Are reemployment eligible employees to be hired on a limited-term or permanent basis?

Due to upcoming reductions in the Department, CDCR is hiring re-employment eligible employees limited term (LT) if the classification will be affected in an upcoming layoff plan and is allowing permanent full-time (PFT) hiring when the classification is not immediately impacted. Both types of hires must be approved through the normal freeze exemption process. It should be noted that if a re-employment eligible is hired LT, he or she remains on the re-employment list to be eligible to be hired PFT.

If a Departmental reemployment eligible is interested in a position that is limited term only, can an organization hire him or her limited term?

Yes, provided the hiring authority wants to proceed. Eligible employees must make the decision as to whether to accept such an appointment. In this case the Departmental Re-employment eligible would remain on the list for further contacts for both limited term and permanent full time.

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Is a new certification list required if a program needs to extend an existing 12-month limited-term appointment for an additional 12 months, and must Re-employment be cleared?

A new certification list is not required for purposes of extending the 12-month limited-term appointment. However, if Departmental reemployment is applicable, the names must be contacted and cleared to accompany the Request for Personnel Action to extend the existing 12-month limited term appointment.